

BY INTERNET E-MAIL
AND HARD COPY

To: Participants in PSC Dckt. No. 06-241

From: Bruce H. Burcat, Executive Director

Re: Petition for Rehearing and Reconsideration Filed by
Mr. Firestone and Dr. Kempton -
Responses by December 12, 2006 and Commission Consideration
on December 19, 2006

Date: December 4, 2006

At 1:41 p.m. on November 30, 2006, Professors Firestone and Kempton filed with the Commission (via e-mail) an electronic copy of their "Petition for Rehearing and Reconsideration." The electronic document does not reflect that a copy of the Petition was transmitted to Delmarva Power & Light Company, the Public Advocate, or any of the other persons or entities who have previously participated in this matter. No written copy of the Petition has been filed with the Commission.

1. The Commission will accept the electronic copy of the Petition for inclusion in the docket file. Professors Firestone and Kempton should forthwith file an original and five written copies of their Petition.
2. The Commission is now circulating an electronic copy of the Petition with this notice.
3. The Commission does not now decide whether the Commission's Rules of Practice and Procedure, and in particular Rule 34, apply to the Commission's role under 26 Del. C. § 1007(d). *However, the Commission invites DP&L, the Public Advocate, or any other participant to file a response to the Petition. Such responses shall be filed and transmitted to DP&L, the Public Advocate, and other participants by 4:30 p.m. on Tuesday, December 12, 2006. Service may be performed by Internet e-mail. Filing can be also done via e-mail, followed by the submission of written copies to the Commission. . The Commission will consider the Petition and any responses at its public meeting beginning at 1 o'clock p.m. on Tuesday, December 19, 2006.*
4. The State Energy Office has not, as of yet, decided whether its decision to concur in Order No. 7066 (as amended by Order 7081) is subject to a petition for rehearing or reconsideration. The Energy Office reserves its right, pending further discussions, to later make a final decision on that procedural question and the Petition itself.

5. The Commission believes that the filing of the Petition for Rehearing or Reconsideration does not stay the presently on-going Request for Proposal process or the submission of bid proposals under the time lines set forth in 26 Del.C. § 1007(d)(1). If Rule 34(b) would apply in this matter and would otherwise command that a petition for rehearing suspend the finality of the prior Order, such procedural rule is trumped by the statutory deadlines set forth for the issuance of the RFP and submission of bid proposals.